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DEPARTMENT FOR SCA/CEN (J. MUDGE), DRL/PHD (C. KUCHTA-
HELBLING), DRL/IRF (N. HEWETT), PRM/ECA (R. OLSON)

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SUBJECT: KAZAKHSTAN: PROGRESS ON UZBEK REFUGEE CASE

REF: Almaty 2291

¶1. (SBU) Summary: Kazakhstanian authorities granted UNHCR access to Uzbek refugee Gabdurafikh Temirbayev on July 11. UNHCR reports that Temirbayev is in good physical and mental condition. The GOK has also said that it will permit a joint review by the UNHCR and the Almaty procuracy of documentation related to the government of Uzbekistan's allegations against Temirbayev. End summary.

UNHCR Given Access to Temirbayev

¶2. (SBU) UNHCR representative Cesar Dubon informed the Ambassador on July 13 that Kazakhstanian authorities had granted access to Uzbek refugee Gabdurafikh Temirbayev for UNHCR representatives and Temirbayev's wife on July 11. They spent about 40 minutes with Temirbayev, who has been in KNB custody since June 24 as a result of an Uzbek extradition request. According to Dubon, Temirbayev appears to be in good physical and mental condition.

¶3. (SBU) Temirbayev, an Uzbek citizen who holds a UNHCR refugee certificate, insisted to Dubon that he is not guilty of the crimes the government of Uzbekistan alleges. (Background: On July 7, the MFA forwarded a non-paper to UNHCR and post conveying details of Temirbayev's situation. According to the non-paper, on June 7 the General Procuracy ordered the KNB and MVD to locate and detain Temirbayev in connection with a request from the Uzbek government. The GOU informed the GOK that Temirbayev was part of the group that carried out the March 2004 attacks in Uzbekistan. The non-paper claimed that the 1951 Convention on Refugees did not prevent the extradition of persons who pose a threat to national security. The paper concluded that in light of the GOU request and the Minsk Convention, the General Procuracy "has full grounds to extradite this Uzbek citizen." Full text emailed to SCA/CEN.)

Joint PGO-UNHCR Review of Uzbek Allegations

¶4. (SBU) After seeing Temirbayev, Dubon reported, UNHCR representatives met with the General Procuracy. The two

sides discussed the allegations of the Uzbek government and agreed that further review of the case is necessary. The Kazakhstani government will therefore provide documentation for joint review in Almaty by UNHCR and the local Procuracy office. According to Dubon, the review process is to begin as soon as the local procuracy office is brought up to speed on the case.

15. (SBU) Dubon commented to the Ambassador that UNHCR, based on its experiences with similar Uzbek cases in the past, believes that the allegations are likely baseless. The GOK confirmed that there are no Kazakhstani charges against Temirbayev.

16. (SBU) Comment: The fact that the Kazakhstani government has ended its long silence on this case by granting UNHCR access and offering to conduct a joint review of the Uzbek government's allegations is encouraging. It appears that the threat of deportation is on hold for the time being. It remains to be seen, however, to what degree the GOK will heed UNHCR's views on the validity of the evidence against Temirbayev. End comment.

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